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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,818	11/21/2000	Joseph Mulavelil George	AUS9-2000-0552-US1	2114
7590	10/10/2003		EXAMINER	ROBINSON, GRETA LEE
Joseph R Burwell Law office of Joseph R Burwell P O Box 28022 Austin, TX 78755-8022			ART UNIT	PAPER NUMBER
			2177	

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/717,818	GEORGE ET AL.	
	Examiner	Art Unit	
	Greta L. Robinson	2177	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Joseph Burwell (registration no. 44,468). (3) _____
 (2) Greta Robinson. (4) _____

Date of Interview: 08 October 2003.

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
 If Yes, brief description: _____.

Claim(s) discussed: 1-18.

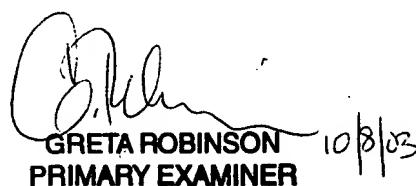
Identification of prior art discussed: N/A.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



GRETA ROBINSON
PRIMARY EXAMINER
10/8/03

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed drawing objections, the examiner stated that page 2 of the formal drawings filed January 18, 2002 was missing page 2; Applicant stated that he would file a replacement set of drawings. The examiner stated that the terminology used in the claims (i.e. a first database and a second database) should agree with the terminology used in the disclosure and drawings (i.e. a source database and a target database). Applicant and examiner discussed the limitation "set of dependencies" and the limitation "migrating" with respect to the present invention. Proposed amendment language to overcome the rejections cited under 35 USC 112 first and second paragraph was discussed. The Examiner noted MPEP 608.01(d) regarding support for the objection to the abstract and brief summary of the invention. A formal response will be filed..

PTOL-413A (03-03)
Approved for use through xx/xx/xxxx. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09 / 717,818 First Named Applicant: George et al.
 Examiner: Robinson Art Unit: 2177 Status of Application: Non-final

Tentative Participants:

(1) Joe Burwell (attorney) (2) Greta Robinson (examiner)

(3) _____ (4) _____

Proposed Date of Interview: 10/08/2003 Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>112 Rej.</u>	<u>Claims 1-18</u>	<u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See attached sheet.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Drawings

The PTO-326 form notes that the formal drawings that were filed on 01/18/2002 are acceptable, yet it also notes that there are draftsperson's objections on the PTO-948 form. In addition, the PTO-948 form refers to the informal drawings that were filed with the application. Thus, it is unclear whether the PTO-948 form may have been referring to the latter formal drawings or whether there are any outstanding objections to the formal drawings.

The Office action noted that page 2 of the formal drawings is missing in the PTO file wrapper, although Applicant has a return postcard to show that the drawing sheet was present when the formal drawings were filed. A new set of formal drawings will be filed.

Objection to the brief summary section of the specification

The brief summary of the invention was objected to as being a duplicate of the abstract, which was the intention of Applicant. MPEP § 608.01(d) only requires that the content of the summary should be commensurate with the subject matter in the claims, which Applicant asserts as being the case in the present application. As noted in the objection, the summary may point out the advantages of the invention, but Applicant notes that this is done within the detailed description section of the specification. As there are no restrictions by the PTO that the summary must contain additional information that is not in the abstract nor that the summary and the abstract cannot be duplicated, Applicant declines to amend the summary. Applicant notes that if the abstract is not adequate, then the examiner has the ability to amend the abstract upon allowance.

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112 Rejection

With respect to independent claims 1-18, the Office action noted that the terms "first database" and "second database" were not used within the specification, which used the terms "source database" and "target database". Applicant asserts that the term "first" or "second" is an adjective that is commonly used to distinguish between two instances of similar entities. Applicant asserts that Applicant's use of these terms follows ordinary logic that is understandable to one having ordinary skill in the art.

The Office action noted that the term "set of dependencies" was not defined. Applicant notes that the specification describes dependencies among database tables, and the term "dependency" is a common term in the art. Hence, the objection seems to refer to the use of "set of". Applicant asserts that the term "set of" is a common phrase that means "a collection of". Applicant asserts that Applicant's use of this term follows ordinary logic that is understandable to one having ordinary skill in the art.

The Office action objects to the phrase "migrating data" as being vague because "Applicant refers to migrating data in the preamble, but does not describe migrating steps within the body of the claim"--(Office action, page 4). The Office action also objects to the claims as omitting essential elements: "the migration porocess implemented by database migrator 510 figure 5A".

The phrase "migrating data" is common within the art for the concept of moving data that is stored in one location to another location. More importantly, the act of migrating data is described over multiple elements within the claims. For example, independent claim 1 has a third element that reads data from a first database and a fourth element that writes data to a second database, thereby moving, i.e. migrating, data from one database to another database.

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Furthermore, Applicant asserts that the claim language in the present application is sufficient to claim the process of migrating data, and Applicant may provide an example within an issued patent. For example, Applicant did a quick patent search 10/08/2003 and found the following patent: Abrams, U.S. Patent Number 6,151,608, "Method and system for migrating data", issued 11/21/2000 by the same examiner as the present patent application. Independent claim 1 of Abrams states:

1. An automated computer-implemented method for migrating source data from at least one source to at least one destination table of a database having a schema without a user having to write computer code, the method comprising the steps of:

defining patterns which describe format and content of the source data;

applying the patterns to the source data to create transformed data;

associating migration rules based on the schema with the patterns to generate a set of instructions that define migration paths; and

loading the transformed data in a sequence into the at least one destination table based on the set of instructions, the at least one destination table having a defined format and destination fields, wherein the step of loading is automatically sequenced based on the migration rules so that referential integrity is maintained.

Hence, Abrams also contains the term "migrating data" in the preamble but does not use the verb "migrating" within the body of the claim. Applicant asserts that the claim language in the present patent application follows the same logic.

Given that there are no prior art rejections against the claims, Applicant would like to inquire if the current claims would be allowable if the 112 rejections are removed.

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